

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	93-00093-01-CR-W-ODS
GARRON S. HAYNES,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 26, 2009, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a judicial determination of Defendant's mental competency (Doc. No. 105). Defendant was examined by Dr. Lea Ann Preston Baecht, Ph.D., who prepared a report dated April 9, 2009. The report stated, "it is difficult to ascertain Mr. Haynes' ability to proceed with his legal case. While some clinicians have stated Mr. Haynes has exaggerated his deficits for some secondary gain, others have described his behavior as genuine. As detailed above, we have insufficient information at the present time to conclude that he is malingering or genuinely impaired. In light of this, we are unable to state with certainty that he is competent to proceed." Dr. Baecht further opined, "In order to err on the side of caution, it is recommended that the Court refer him for mental health treatment under Title 18 U.S.C. Section 4241(d)."

On May 4, 2009, I held a competency hearing. Defendant was present, represented by appointed counsel Ronna Holloman-Hughes. The government was represented by Mike Warner. During the hearing, both parties stipulated to Dr. Baecht's report (Tr. at 2-3). Neither party presented any additional evidence. In addition, the parties waived the ten-day objection period to the Report and Recommendation (Tr. at 3).

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that Defendant is not competent to proceed. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant incompetent to proceed. It is further

RECOMMENDED that the court commit Defendant to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d).

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
May 5, 2009